Supreme Court, U.S.
FILED
DEC 23 1986
JOSEPH F. SPANIOL, JR.
CLERK

No. 86-621

IN THE SUPREME COURT
OF THE UNITED STATES

October Term, 1986

BAYARD SPECTOR,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Eighth Circuit

REPLY BRIEF OF PETITIONER BAYARD SPECTOR

Alan M. Dershowitz
232 Brattle Street
Cambridge, MA 02138
(617) 495-4617

Nathan Z. Dershowitz
Dershowitz & Eiger, P.C.
225 Broadway
New York, NY 10007
(212) 513-7676
Attorneys for Petitioner
Bayard Spector

Victoria B. Eiger
Of Counsel

TABLE OF CONTENTS

ARGUMENT.....2

CONCLUSION.....4

No. 86-621

IN THE SUPREME COURT
OF THE UNITED STATES

October Term, 1986

BAYARD SPECTOR,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Eighth Circuit

REPLY BRIEF OF PETITIONER BAYARD SPECTOR

Pursuant to Supreme Court Rule 22.5, Petitioner submits this brief in opposition to the brief filed by the United States in opposition to the petition for certiorari.

ARGUMENT

On page 1 of its brief, in the Statement of Jurisdiction, the United States has suggested, either intentionally or inadvertently, that the Petition in this case was not timely filed. It states:

> On September 8, 1986, Justice Blackmum extended the time within which to file the petition for a writ of certiorari to and including October 13, 1986 (Pet. App. A.39). The petition for a writ of certiorari was filed on October 14, 1986.

This reply brief is submitted in order to refute any suggestion that the Petition was filed out of time.

As set forth in the Affidavit of Filing of Nathan Z. Dershowitz provided to this Court pursuant to Supreme Court Rule 28.2, on October 9, 1986, Nathan Z. Dershowitz, one of the attorneys for the Petitioner, spoke by telephone to Ruth Butler in the Office of the Clerk of the United States about the filing of

the Petition in this case. Ms. Butler informed Mr. Dershowitz that, because October 13, 1986, was a federal and court holiday, papers due on that date would be due the following day, October 14, 1986, and that if such papers were mailed to the Supreme Court by a member of the Supreme Court bar on October 14, 1986, they would be timely filed.

On October 14, 1986, as his affidavit indicates, Mr. Dershowitz, a member of the Supreme Court bar, deposited in a United States Post Office in New York a carton properly addressed to the Clerk of the Supreme Court containing 40 copies of the petition, with first-class Express Mail postage pre-paid.

CONCLUSION

Accordingly, the Petition was timely filed and must be considered on its merits.

Respectfully submitted,

Nathan Z. Dershowitz
Dershowitz & Eiger, P.C.
225 Broadway
New York, NY 10007
(212) 531-7676

Alan M. Dershowitz
232 Brattle Street
Cambridge, MA 02138
(617) 495-4617

Victoria B. Eiger
Of Counsel

December 22, 1986

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the 22nd day of December, 1986, pursuant to Supreme Court Rule 28.3, three true and correct copies of the foregoing reply brief of Petitioner Bayard Spector were mailed first class mail, postage prepaid to:

Solicitor General
Department of Justice
Washington, D.C. 20543

Nathan Z. Dershowitz